

SCOTT N. SCHOOLS, SC SBN 9990  
United States Attorney  
JOANN M. SWANSON, CSBN 88143  
Assistant United States Attorney  
Chief, Civil Division  
ILA C. DEISS, NY SBN 3052909  
Assistant United States Attorney  
450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7124  
FAX: (415) 436-7169

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MAHSHID KIANFARD,

Plaintiff,

v.

ALBERTO R. GONZALES, Attorney General  
of the United States in his Official Capacity;  
ROBERT S. MUELLER, Director of FBI in his  
Official Capacity;  
MICHAEL CHERTOFF, Secretary of the  
Department of Homeland Security, in his Official  
Capacity;  
EMILIO T. GONZALEZ, Director of the United  
States Citizenship and Immigration Services, in  
his Official Capacity;  
ROSEMARY MELVILLE, District Director of  
the San Francisco Citizenship and Immigration  
Services, in her Official Capacity,

Defendants.

No. C 07-2904 WDB

**JOINT CASE MANAGEMENT  
STATEMENT and ORDER**

1. Jurisdiction and Service:

The basis asserted by plaintiff for this Court's jurisdiction is 28 U.S.C. § 1331, 28 U.S.C. § 1361 and 5 U.S.C. § 701. The parties do not dispute that venue is proper in this district. No issues exist regarding personal jurisdiction or venue, and no parties remain to be served.

2. Facts:

The plaintiff filed a Form I-485 application to adjust her status to lawful permanent resident with the United States Citizenship and Immigration Services (USCIS) on or about January 18, 2005. The USCIS has not yet adjudicated the Form I-485 application. The plaintiff filed an action on June 5, 2007, seeking an order from this Court directing USCIS to adjudicate her Form I-485 application. Plaintiff's name check remains pending with the Federal Bureau of Investigation (FBI).

3. Legal Issues:

Whether this Court should dismiss the plaintiff's action for lack of jurisdiction. If this Court has jurisdiction, whether the USCIS is processing the plaintiff's I-485 application within a reasonable period of time.

4. Motions:

The parties intend to file cross-motions for summary judgment.

5. Amendment of Pleadings:

No parties, claims or defenses are expected to be added or dismissed.

6. Evidence Preservation:

The parties do not have any evidence that falls within this category.

7. Disclosures:

The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not apply to this case.

8. Discovery:

The parties do not intend to take any discovery at this time.

9. Class Actions:

N/A

10. Related Cases:

The parties are not aware of any related case or cases.

11. Relief:

The plaintiff asks this Court to direct USCIS to adjudicate her Form I-485 application, and

award reason attorney's fees.

12. Settlement and ADR:

The parties' filed a joint request for an exemption from the Court's ADR process on August 21, 2007.

13. Consent to Magistrate Judge for All Purposes:

The parties consent to magistrate judge jurisdiction.

14. Other References:

The parties do not believe that this case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues:

The parties do not believe that the issues can be narrowed by agreement or by motion, and do not have suggestions to expedite the presentation of evidence at trial (e.g. through summaries or stipulated facts), and any request to bifurcate issues, claims or defenses.

16. Expedited Schedule:

The parties believe this case can be resolved on cross-motions for summary judgment.

17. Scheduling (as revised by the Court at the Initial Case Management Conference on September 11, 2007):

**Cross-Motions for Summary Judgment: October 5, 2007**

**Cross-Oppositions: October 24, 2007**

**Hearing: November 7, 2007, 1:30 p.m.**

18. Trial:

The parties do not anticipate the need for a trial in this case.

19. Disclosure of Non-party Interested Entities or Persons:

The parties' intend to file the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16.

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20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

None.

Date: September 4, 2007

Respectfully submitted,

SCOTT N. SCHOOLS  
United States Attorney

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ILA C. DEISS  
Assistant United States Attorney  
Attorneys for Defendants

Date: September 4, 2007

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THEODORE C. CHEN  
Attorney for Plaintiff

### CASE MANAGEMENT ORDER

The Joint Case Management Statement and Proposed Order are hereby adopted by the Court, with revisions, as the Case Management Order for the case, and the parties are ordered to comply with this Order.

Date: 9/12/2007

  
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WAYNE D. BRAZIL  
United States Magistrate Judge